THE HON'BLE SRI JUSTICE C.V. RAMULU

Tuesday, 9th day of October,2007

W.P.No.1536 of 2006

Between:-

V.Krishnamacharyulu & others … Petitioners

and

The Government of Andhra Pradesh,
Rep. by its Secretary, Revenue
(Endowments II) Department,
Secretariat Buildings, Saifabad,
Hyderabad and others … Respondents

THE HON'BLE SRI JUSTICE C.V. RAMULU

W.P.No.1536 of 2006

ORAL ORDER:

This Writ Petition is filed seeking a Mandamus declaring Memo No.59906/Endowments.II(2)/2005-1, dated 19-1-2006 issued by the 1st respondent as arbitrary and illegal and consequently to direct the 2nd respondent to approve the proposals in relating to the appointment of the petitioners, either on regular pay scale or consolidated pay or payment of 30% from out of the income derived from the performance of 'vahana pujas' in the 3rd respondent-Temple.

According to the petitioners, they are performing 'vahana pujas' in Sri Lakshmi Narasimha Swamy Devasthanam, Yadagirigutta, Nalgonda District – 3rd respondent herein. Earlier, they were permitted to collect Rs.2/- per 2-wheeler and Rs.5/- per 4-wheeler/6-wheeler vehicles. Thereafter, the same was enhanced to Rs.4/-, Rs.10/- and Rs.15/- respectively. However, the 3rd respondent was collecting Rs.50/- per 2-wheeler, Rs.100/- per 4-wheeler and Rs.150/- per 6 wheeler vehicles. Upto the year 2003, they were directed to deposit Rs.1,116/- for each year towards licence fee. Thereafter, the licence fee was enhanced to Rs.10,116/- per annum. On the said enhancement, they filed a representation before the 3rd respondent, who, after considering the matter in detail, recommended for payment of remuneration of 30% share in the net collection derived from 'vahana puja' tickets. Thereafter, the 2nd respondent-Commissioner of

Endowments, by his Proceedings in Rc.No.A1/17482/05, dated 9-12-2005 after calling for details, suggested and sought for approval of any of the following methods from the Government:

1. If the 30% remuneration paid to the Vahara purohits the expenditure basing on the income for 2003-04 would be Rs.3,42,380/-

2. If the 20% remuneration received on Vahana Pooja is paid to the Vahana Purohits the expenditure basing on the income for 2003-04 would be Rs.2,28,259/-

3. If the (4) Vahana Purohits are allowed to Last Grade Scale, the expenditure would be Rs.2,16,000/-

4. If the fixed pay is sanctioned at Rs.3500/- the expenditure would be Rs.1,68,000/-

But, the Government through the impugned Memo dated 19-1-2006 simply stated that the 3rd respondent should continue the services of Vahana Puja Purohits, 4 in number, on the basis of licence fee only. Aggrieved by the same, the present Writ Petition is filed.

As noticed above, the 2nd respondent-Commissioner, after calling for entire particulars as to the expenditure that may incur by the 3rd respondent, has suggested four methods of dealing with the services of Purohits. None of these suggestions were approved by the Government and instead passed a cryptic order on 19-1-2006 without furnishing any reasons whatsoever. The recommendations made by the 2nd respondent through letter dated 9-12-2005 addressed to the Principal Secretary to Government, Revenue (Endowments) Department, Government of Andhra Pradesh, Hyderabad, seem to be on the basis of information furnished by the 3rd respondent. Since no reasons were furnished by the 1st respondent in passing the impugned

Order, the same is liable to be set aside.

Accordingly, the impugned Memo dated 19-1-2006 is set aside. Respondent No.1 is directed to reconsider the matter as per the recommendations of the 2nd respondent sent through his letter Rc.No.A1/17482/05, dated 9-12-2005 and pass a reasoned order, within a period of eight weeks from the date of receipt of a copy of this Order. Till a final decision is taken by the Government, the petitioners shall be continued on payment of Rs.3,333/- per annum towards licence fee.

The Writ Petition is allowed to the extent indicated above. No order as to costs.

09-10-2007

Office to furnish
CC within a week
(B.O.)
prk